

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

UNITED STATES)
)
v.) **CASE NO. 23-CR-80101-AMC(s)**
)
DONALD J. TRUMP,)
WALTINE NAUTA, and)
CARLOS DE OLIVEIRA,)
)
Defendants.)

NOTICE REGARDING SUPERSEDING INDICTMENT

Today, a grand jury in this district returned a superseding indictment in this case adding one defendant and four counts. This Notice is intended to apprise the Court and defendants of the specific changes to the original indictment and the steps that the Special Counsel's Office is taking to ensure that the superseding indictment does not disturb the Court's scheduling order or May 20, 2024 trial date.

New Count Under 18 U.S.C. § 793(e). The superseding indictment adds a new Count 32, charging defendant Donald J. Trump with one additional count of unlawful retention of National Defense Information. Paragraph 35 of the superseding indictment—which was paragraph 34 in the original indictment—now contains a new final sentence related to the new Count 32.

New Obstruction Defendant and Counts. The superseding indictment adds a defendant, Carlos De Oliveira, to the obstruction conspiracy that was charged in Count 32 of the original indictment. That conspiracy is now charged in Count 33. The superseding indictment also charges defendants Trump, De Oliveira, and Waltine Nauta with two new obstruction counts: Counts 40 and 41. These additions are based on allegations that the defendants attempted to delete

surveillance video footage at The Mar-a-Lago Club in the summer of 2022. The superseding indictment includes the following new items related to the new obstruction charges:

- Paragraphs 7(f) and 97(g) allege one additional manner and means of furthering the obstruction conspiracy—“attempting to delete security footage at The Mar-a-Lago Club to conceal information from the FBI and grand jury”;
- Paragraph 10 introduces De Oliveira;
- Paragraphs 62 and 63 now identify De Oliveira as the person who helped Nauta move approximately 30 boxes from Trump’s residence to the Storage Room on June 2, 2022, whereas paragraph 61 of the earlier indictment referred to De Oliveira as “an employee of The Mar-a-Lago Club”;
- Paragraph 73 alleges that De Oliveira was one of the “others” identified in paragraph 72 of the original indictment who, on June 3, 2022, with Nauta, “loaded several of Trump’s boxes along with other items on aircraft that flew Trump and his family north for the summer”;
- Paragraphs 74-87 allege how the defendants attempted to delete surveillance footage showing movement of Trump’s boxes at The Mar-a-Lago Club; and
- Paragraph 91 alleges Nauta’s and Trump’s efforts on August 26, 2022, to confirm and maintain De Oliveira’s loyalty.

New False Statements and Representations Count. The superseding indictment adds a new Count 42 charging De Oliveira with false statements and representations in a voluntary interview with the FBI on January 13, 2023. Paragraph 119 of the superseding indictment sets forth the alleged false statements.

The Court’s Scheduling Order. The superseding indictment should not disturb the Court’s scheduling order, ECF No. 83, or the May 20, 2024 trial date, and the Special Counsel’s Office is taking steps related to discovery and security clearances to ensure that it does not do so. First, with respect to Trump and Nauta, Count 32 does not expand the scope of the unclassified discovery that has been provided and that will be provided. The Special Counsel’s Office will promptly produce discovery related to the new obstruction defendant, allegations, and counts and

will identify material within previously produced discovery that relates to the new charges. Second, with respect to De Oliveira, the Special Counsel's Office will provide counsel a copy of the protective order for unclassified discovery, ECF No. 27, and once counsel has entered an appearance in the case, will arrange to produce all unclassified discovery that has been provided to the other defendants.¹ Moreover, the Special Counsel's Office will immediately connect De Oliveira's counsel with the Litigation Security Group to begin arrangements for clearing De Oliveira's counsel to review classified discovery.

Respectfully submitted,

JACK SMITH
Special Counsel
N.Y. Bar No. 2678084

By: /s/ Jay I. Bratt
Jay I. Bratt
Counselor to the Special Counsel
Special Bar ID #A5502946
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Julie A. Edelstein
Senior Assistant Special Counsel
Special Bar ID #A5502949

David V. Harbach, II
Assistant Special Counsel
Special Bar ID #A5503068

July 27, 2023

¹ Subject to the Court's approval, the Special Counsel's Office will not oppose defendants Trump and Nauta waiving appearance at an arraignment on the superseding indictment pursuant to the conditions set forth in Federal Rule of Criminal Procedure 10(b).

Certificate of Service

I hereby certify that on July 27, 2023, I filed the foregoing document with the Clerk of the Court using CM/ECF.

/s/ Michael E. Thakur
Michael E. Thakur